



ST. LOUIS COUNTY



Public Health and Human Services

Licensed Family Child Care Variance Guidelines



Please read carefully to determine
if your request meets guidelines.

Variances **MUST** be requested prior to a situation that puts you out of compliance with regulations. No variance is “automatic”. You may not enroll children without room for them in your license capacity assuming a variance will be approved. You may not only disrupt care for the children enrolled, but also would be found in violation of you license capacity.

1 . What is a variance? A variance is the written tool to be used for requesting PRIOR authorization to allow for a short-term, temporary deviation from a part of the licensing rule. (MN Rule Parts 9502.0335 subp. 8)

2 . How do I request a variance? Contact your child care licensor in order to obtain the appropriate variance request form(s). Each variance request is staffed by the Child Care Licensing Unit and a group decision is made.

MN Rules 9502.0335, Subp 8a requires that the variance requests must include “the specific equivalent alternative measures which the applicant or provider will provide so the health, safety, and protection of children in care are ensured if the variance is granted.” State what you plan to do to ensure the safety of children if a variance is approved.

3 . If a variance is approved for over capacity or age distribution, may I use it for any child?
No. An approved variance is valid only for the particular child listed on the variance, for the specific days of the week and hours needed for that child.

4 . What if I no longer need the variance?
Inform your licensor so the variance may be cancelled.

**THE FOLLOWING GUIDELINES ARE
USED FOR APPROVAL OR DENIAL OF
VARIANCE REQUESTS. KEEP IN MIND,
THESE ARE JUST GUIDELINES.**

SAFETY IS A PRIORITY

Family Child Care Capacity & Age Distribution
(MN Rules, Parts 9502.0365 and 9502.0367)

- What is the provider’s plan to meet the physical, social, and emotional needs of all children in care. **NOTE: A second caregiver may be required.**
- Age of children in care: There will be no additional enrollment during the variance period.
- Age of child for whom the variance is being requested
- Length of time of the request. **Not to exceed six (3) months.**
- Provider has been licensed at least one (1) year.
- Provider’s current license status – whether or not license is under a negative licensing action.
- Any previous rule violations
- All parents using the home must be aware of the variance, verified by signature.

- Physical layout of the home – does it allow good supervision of all children?
Weekly fire drills will be required and need to be documented.
- Number of variance requests in the past twelve (12) months
- Parent evaluations
- Required training verified
- Will this variance accommodate a currently enrolled family
- If a change in license class can replace the need for a variance, this will be done instead. You may require a 2nd caregiver.

DENIALS AND/OR REVOCATIONS

MN Statute 245A.16(a) “a county agency must not grant a license holder a variance to exceed the maximum allowable family child care license capacity of 14 children.”

A variance request to exceed license capacity or to exceed the age distribution of a license will generally be denied or a variance revoked when one or more of the following conditions apply:

- The provider’s license is currently under a negative licensing actions (i.e. conditional license, suspension, etc.)
- The provider or any household member is under investigation for a potential license violation.

- If the addition of the child causes the provider to be over total capacity AND over capacity in age distribution.
- There is a variance for capacity or age distribution already in place.
- Variances are **NEVER** granted retroactively.
- Variance requests for more than fourteen (14) children will be denied.
- Requests that are not specific as to hours, days of the week or duration of the variance will generally be denied.
- A condition of an approved variance may be that there is **NO** new enrollment through the variance period.
- There will be no more than three (3) infants present at any time.

If you would like to further discuss a variance request, contact your licenser.

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